and (3) for the reasons given in the attached statement, a variance from the following sections of the Zoning Law and Zoning Regulations of Baltimore County:

See attached brief ...

O

HARC-Form 1

LOCKION .

Property is to be posted and advertised as prescribed by The Baltime a County Code.

I, or we, agree to pay expenses of above Re-classification Special Exception and/or Variance, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adapted pursuant to the Zoning Law for Baltimore

Contract Purchaser:	Legal Owner(s):
(Type or Print Name)	(Type or Print Name)
Signature	acther Hopson
Address	Elaine Hopson (Type or Print Name)
City and State	Elaine Hopson
Spokesman Attorney for Petitioner:	
J. Strong Smith. (Tipe or Prut Name)	303 .: !legheny Avenue 825-8120 Phone No.
Shematur Shematur	Towsor, Maryland City and State
Address	Name, address and phone number of legal owner, con- tract purchaser or representative to be contacted
City and State	Arthur Hopsin
Attorney's Telephone No.:	get Hampler Ad. 617-1076

RE: PETITION FOR RECLASSIFICATION: from D.R. 1 to D.R. 3.5 Zone NE Corner Wampler Rd. and Sterling Avenue 15th District

BEFORE THE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

Case No. R-83-196 (26, 9, Cycle IV)

ARTHUR AND ELAINE HOPSON, Petitioners

ORDER TO ENTER APPEARANCE

111111

To the Honorable, Members of Said Board:

Pursuant to the authority contained in Section 524, 1 of the Baltimore County Charter, I hereby enter my appearance in this proceeding. You are requested to notify me of any hearing date or dates which may be now or hereafter designated therefor, and of the passage of any preliminary or final Order in connection therewith.

ax /man Peter Mox Zimmermon Deputy People's Counsel

John W. Hessian, III People's Counsel for Baltimore County Rm., 223, Court House Towson, Maryland 21204 494-2188

I HEREBY CERTIFY that on this 25th day of ________ , 1983,

a copy of the foregoing Order was nailed to Mr. J. St ong Smith, 303 Allegheny Avenue, Towson, Maryland 21204, Spokesman for Petitioners; and Mr. and Mrs. Arthur Hopson, 901 Wampler Road, Baltimore, Maryland 21220, Petitioners.

> John W. Hessiar, III 12.2 K me e

IN THE MATTER OF THE APPLICATION OF ARTHUR and ELAINL HOPSON FOR REZONING FROM D.R. 1 to D.R. 3.5 of property located at the

and Sterling Avenue

15th District

BEFORE

COUNTY BOARD OF APPEALS NE corner Wampler Road BALTIMORE COUNTY

> No. R-83-196 (Item #9 - Cycle IV)

OPINION

This matter comes before this Board on a petition for reclassification of premises known as the northeast corner of Wampler Road and Sterling Avenue, in the Fifteenth Election District of Baltimore County, from D.R. 1 to D.R. 3.5. This matter was heard in 1), enrirety on May 11, 1983.

The Board first received testimony from Arthur Hopson, the Petitioner herein. Mr. Hopson testified that the frontage dimension for his property is 267 feet on Wampler He further testified that he desired to subdivide the subject property in order is provide an additional building lot on the north side of his premises, thereby creating two He further testified that many lots in the surrounding area consist of 100 feet or less of frontage on Wampler Road and adjacent streets.

This Board next received testimony from J. Strong Smith, a registered professional engineer in the State of Maryland. Mr. Smith testified that the classification of D.R. 3.5 zoning was necessary to permit the construction of an additional house on the subject property. Mr. Smith further testified that the subject property was located in a high noise abatement level of .69 decibels at the time of the 1980 comprehensive map He also testified that a consideration for the present D.R. I classification was the existence of these high noise abotement requirements. Mr. Smith pointed out that subsequent to the 1980 comprehensive mup process, the noise abatement level for the subject property had been reduced to .65 deribels and thus no longer subject to noise control regulations. Mr. Smith was of the opinion that the change in the noise level requirements, together with the fact that the zoning maps failed to 'cate that higher density lots currently exist within the area, constitutes error. Mr. Smith indicated that

ARTHUR and ELAINE HOPSON - 1R-83-196

the width of lots within 500 feet of the subject property are as follows: Sixty-five (65) feet, seventy-five (75) feet, one hundred and fifteen (115) feet, eighty-two (82) feet, seventy (70) feet, pinety (90) feet and fifty (50) feet. Mr. Smith testified that each of the above setforth lots were improved with residential premises. He further stated that public water and sewer are available and adequate to support a reclassification to a higher density area.

Finally, this board received testimony from James G. Hoswell, an expert planner for Baltimore County. Mr. Hoswell testified that he was of the opinion that no error in classification for the subject property exists because the subject property is currently classified D.R. I, is presently in a residential area and is used for residential

A review of the zoning map for this general area indicates that virtually all the residentially zoned land in the proximity of the subject site is zoned D.R. 1. There are areas of considerable size in this area zoned D.R. 1. It would appear that since the noise abatement level has been reduced, and that since water and sewer are now available some consideration to higher density zoning might be appropriate. However, to grant one single site D.R. 3.5 zoning at this time would be spot zoning and would be totally contrary to the comprehensive mapping process.

After consideration of all the testimony in this case, the Board is of the opinion that no error exists in the current classification of the rubject property and will so order.

ORDER

For the reasons set forth in the aforegoing Opinion, it is this 18th day of May, 1983, by the County Board of Appeals, ORDERED that the reclassification petitioned for, be and the same is hereby DEMIED.

Any appeal from this decision must be in accordance with Rules B-1 thru

ARTHUR and ELAINE HOPSON - 12-83-196

B-13 of the Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

William T. Hockett, Chairman

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE PETITION AND SITE PLAN

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

December 6, 1982

COUNTY OFFICE BEDG. 111 W. Chesaprate Ave. Powson, Maryland 21204 Nicholas B. Cormodata

Chatrman

Fureau of Engineering Department of Traffic Engineering State Fouds Commissio Fire Prevention Health Department Project Planning Building Department Board of Education

Zoning Administration

industrial.

Development

Mr. & Mrs. Arthur Hopson 303 Allegheny Avenue Towson, Maryland 21204

RE: Item No. 5 - Cycle No. IV Petitioner - Arthur Ho, son. et ux Reclassification Petition

Dear Mr. & Mrss Hopson:

Enclosed please find addendum comments for the above referenced case.

> Very truly yours, Richelas & Commeden NICHOLAS B. COMMODARI Chairman

Zoning Plans Advisory Committee

NBC:bsc Enclosure

cc: Mr. J. Strong Smith George Wm. Stephens, Jr. & Associates, Inc. 303 Allegheny Avenue Towson, Maryland 21204

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING TOWSON: MARYLAND 21204 494-3211 NORMAN E GERBET DIRECTOR

December 3, 1982

Mr. William T. Hackett, Chairman Board of Appeals Room 219 - Court House Towson, Maryland 21204

Dear Mr. Hackett:

Comments on Item #9, Zoning Advisory Committee Meeting, Zoning Cycle IV -1982, September 14, 1982, are as follows:

Property Owner: Arthur & Elaine Hopson Location: NE/corner Wampler Road and Sterling Avenue Acres: 1.03 District: 15th

This office has reviewed the subject pericion and offers the following comments. These comments are not intended to indicate the appropriateners of the zoning in question, but are to assure that all parties are made aware of plans or problems with regard to development plans that may have a bearing on this petition.

If the petition is granted the developer must comply with Bill 56-82 (Ballimore County Development Regulations).

> Very trul; yours, tohn & Winkley (R.H) John L. Wimbley

Planner III Current Planning & Development

JLW:rh

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

November 4, 1982

COUNTY OFFICE SLDG. 111 W. Chesar-cake Ave. Towson, Mary, and 21204

Nacholus B. Commodara Chairman

MEMBERS B reas of E. dineering Department of

Triffic Engineering State Souds Commission

Fire Prevention Realth Department Provide Planning Building Department Board of Education Ioning Administration

Industrial Levelopment Mr. & Mrs. Arthur Hopson 303 Allegheny Avenue Towson, Maryland 21204

> RE: Item No. 9 - Cycle No. IV Petitioner - Arthur Hopson, et ux Reclassification Petition

Dear Mr. & Mrs. Hopson:

This reclassification petition has been timely filed with the Board of Appeals for a public hearing within the October-April verlassification cycle (Cycle IV). Ic has been reviewed by the zoning office as to form and content and has also been reviewed by the Zoning Firms Advisory Committee. The review and enclosed comments from the Committee are intended to provide you and the Board of Appeals with an insight as to possible conflicts or problems that could arise from the requested reclassification or uses and improvements that may be specified as part of the request. They are not intended to indicate the appropriateness of the zoning action requested.

In view of your proposal to reclassify this property from its present D.R. 1 zoning to D.R.3.5, this hearing is required. The property is improved with an individual dwelling as are surrounding properties to the north, cast and south. To the west directly opposite this site, is vacant wooded land that was the subject of a recent zoning hearing (Case No. 83-15-XSPHA) which will allow a Loyal Order of Moose Lodge.

In view of the fact that the submitted site plan does not indicate a proposed development, the enclosed comments from this Committee are general in nature. If the requested reclassification is granted, more detailed comments from County agencies and the Committee (if a hearing is required) will be written when a proposed development is indicated.

Item No. 9 - Cycle No. IV Petitioner · Arthur Hopson, et ux Reclassification Petition Page 2

If you have any questions concerning the enclosed comments, please feel free to contact me at 494-3391. Notice of the specific hearing date which will be between March 1 and June 30, 1983, will be forwarded to you in the future.

Very truly yours,

White Marmoden NICHOLAS B. COMMODARI

Chairman Zoning Flans Advisory Committee

NBC:bsc

Enclosures

cc: Mr. J. Strong Smith George Wm. Stephens, Jr. & Associates, Inc. 303 Allegheny Avenue Towson, Maryland 21204

September 27, 1982

Mr. William Hackett Chairman, Board of Appea's Office of Law, Cour house Towson, Maryland 21204

DEPARTMENT OF TRAFFIC ENGINEERING

TOWSON MAPYLAND 21204 494-3550

BALTIMORE COUNTY

STEPHEN E COLLINS

Cycle IV - Reeting of September 14, 1982 Item No. - 9 Property Owner: Arthur and Elaine Hopson Location: NE/Corner Wampler Road and Sterling Avenue Existing Zoning: D.R. 1 Proposed Zoning: D.R. 3.5 Acres: 1.03 Dirstrict: 15th

November 1, 1982

Dear Mr. Packe t:

This site is too small to be a major traffic generator.

MSI / ccm

Very truly yours. Ian J. Forrest, Director BUREAU OF ENVIRONMENTAL SERVICES

BALTIMORE CO OCT II 9 O2 A OF APPEAU BY.

BALTIMORE COUNTY
DEPARTMENT OF HEALTH TOWSON, MARYLAND 21204 DONALD J. ROOP, M.D. P.H. DEPUT STATE & COUNTY HEALTH OFFICER

Mr. William Hackett, Chairman Board . Appeals Court House Tows m, Maryland 21204

Dear Mr. Hackett:

Comments of 1:am #9, Cycle IV Meeting, September 14, 1982, are as follows:

> Arthur & Elaine Horson Property Owner: NE/Corner Wampler Road and Sterling Avenue Location: Existing Zoning: D.R. 1 Proposed Zoning: D.R. 3.5 1.05 Acres: 15th District:

**tropolitan water and sewer are available, therefore no health hazards are anticipated.

BALTIMORE COUNTY DEPARTMENT OF PUBLIC WORKS TOWSON, MARI'LAND 21204

HARRY I PISTEL P E DIRECTOR

October 13, 1982

Mr. William T. Hackett, Chairman Board of Appeals Court House Towson, Maryland 21204

> Re: Item #9 Zoning Cycle IV (Oct. 1982-Apr. 1983) Property Owner: Arthur & Elaine Hopson N/E corner Wampler Rd. and Sterling Ave. Existing Zoning: D. R. 1 Proposed Zoning: D. R. 3.5 Acres: 1.03 District: 15th

> > September 29, 1982

Zoning Agenda: Meeting of September 14, 1982

Dear Mr. Hackett:

The following comments are furnished in regard to the plat submitted to this office for review by the Zoning Advisory Committee in connection with the subject item.

Highways:

Wampler Road and Sterling Avenue, existing public roads, are proposed to be further improved in the future as 40 and 30-foot closed section coadways on 60 and 50-foot rights-of-way, respectively, with fillet areas for sight distance at their intersection.

The entrance locations are subject to approval by the Department of Traffic Engineering, and shall be constructed in accordance with saltimore County Standards and Specifications.

Sediment Control:

Development of this property through stripping, grading and stabilization could result in a sediment pollution problem, damaging private and public holdings downstream of the property. A grading permit is, therefore, necessity for all grading, including the stripping of top soil.

Storm Frains:

BALTIMORE COUNTY

825-7310

Mr. William Hammond

Towson, Maryland 21204

174 No.: 9

Gentlemen:

Caning Commissioner

PAUL H REINCKE

FIRE DEPARTMENT

Office of Planning and Zoning

Baltimore County Office Building

Attention: Nick Commodari, Califman

Loning Plans Adrian, Committee

Location: NE/Dorner Wampler Road and Sterling Avenue

Pursuant to your request, the refere ced property has been surveyed by this

Bureau and the comments below marked with an "X" are applicable and required

() 1. Fire hydrants for the referenced property are required and shall be

located at intervals or _____feet alon; an approved road in accordance with Baltimore County Standards as published by the

Fire Prevention Code prior to occupancy or beginning of operation.

Association Standard No. 101 "Life Safety Code", 1976 Edition prior

comply with all applicable requirements of the National Fire Projection

to be corrected or incorporated into the final plans for the property.

() 2. A second means of vehicle access is required for the site.

EXCEEDS the maximum allowed by the Fire Department.

() 7. The Fire Prevention Bureau has no comments, at this time.

() 4. The site shall Lo made to comply with all applicable parts of the

(X) 5. The buildings and scructures existing or proposed on the site shall

RE: Proposes Owner: Arthur and Elaine Hopson

Department of Public Works.

() 3. The vehicle dead end condition shown at

TOWSON MARYLAND 21204

Provisions for accommodating storm water or drainage have not been indicated on the submitted plan.

cc: William Hackett

Chairman of board of Appeals

The Petitioner must provide necessary frainage facilities (temporary or permanent) to prevent creating any nuisances or damage: to adjacent properties, especially by the concentration of surface waters. Correction of any problem which may result, due to improper grading or improper installation of drainage facilities, would be the full responsibility of the Petitioner.

Item #9 Zoning Cycle IV (Oct. 1982-Apr. 1983) Property Owner: Arthur & Elaine Hopson Page 2

October 13, 1982

Water and Sanitary Sewer:

There are public 12 and 8-inch water -- in Wampler Road and Sterling Avenue, respectively; and, there is 8-inch public sanitary severage in Wampler

> Very truly yours, Bureau of Public Services

RAM: EAM: FWR: SS

cc: Jack Wimbley

I-NE Key Sheet 19 NE 34 Pos. Shect NE 5 I Topo 90 Tax Map

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPON! 'CE

C/O Nickolas Compoduri

TO Chairman Balto, Co. Bd. of Appeals Date Sertember 29, 1982

Willis . ackett PROM Charles ... Burnham, Plans Review Chief

SUBJECT Cycle Zoning IV. 1982

Item 9. Arthur & Elaine Hopson

Any new structures, alterations, additions or changes of use shall require permits from the Baltimore County Department of Permits and License before proceeding. The applicable codes are the 1981 B.O.C.A. Basic Building Code as smended by Bill #4-82 1981 B.U.C.A. Basic Mechanical Code, The Baltimore County Plumbing and Gass Fitting Code 1973, the current edition of the Vational Electric Code and the Maryland State Code for the Handicapped (Code of Maryland Regulations 05.01.07.)

It shall be the owners responsibility to verify if an existing structure can in fact comply or be made to comply with the required height, area, use and type of construction, etc. thru a required permits.

No other comments can be made from this office until sufficient architectural plans are provided illustrating any changes or new construction.

Marks & stendar

JK/mb /cm

to occupancy.

REVIEWER (att Great Pole 10/1/18)

Planning Group

() 6. Site plans are approved, as drawn.

Epecial Inspection Division

BALTIMORE COUNTY PUBLIC SCHOOLS

Robert Y. Dubel, Superintendent

Tovson, Maryland - 21204

Date: 9/17/82

Mr. William E. Hammond Zoning Commissioner Baltimore County Office Building 1111 West Chesapeake Avenue Towson, Maryland 21204

Z.A.C. Meeting of: 9/14/82

RE: Item No: 9 Property Owner: Arthur & Elaine Hopson Location: ME/cor. Wampler Rd. & Sterling Ave. Present Zoning: D.R.1 Proposed Zoning: L.R. 3.5

District: 15th No. Acres: 1.03

Dear Mr. Hammonu:

Acreage too small to have effect on student population.

Wm. Nick Petrovich, Assistant Department of Planning

Ma. & Mrs. Arthur Hosses 303 Alleghour Avenue Tourses, Maryland \$1204

> NOTICE OF HEARING ME/corner Wangler St. & Storling Ave. Arthur Moposa, et us - Politicanore Case No. 2-63-196 Cycle IV - bran 69

Wednesday, May 18, 1985 PLACE: Room 218, Courthouse, Towson, Maryland

a v People's Councel

County Board of Appeals

GEORGE WILLIAM STEPHENS, JR. & ASSOCIATES, INC. INGINEERS. 303 ALLIGHMY AVENUE, TOWSON, MARYLAND 21 JH

PROPOSED RECLASSIFICATION - HOPSON PROPERTY

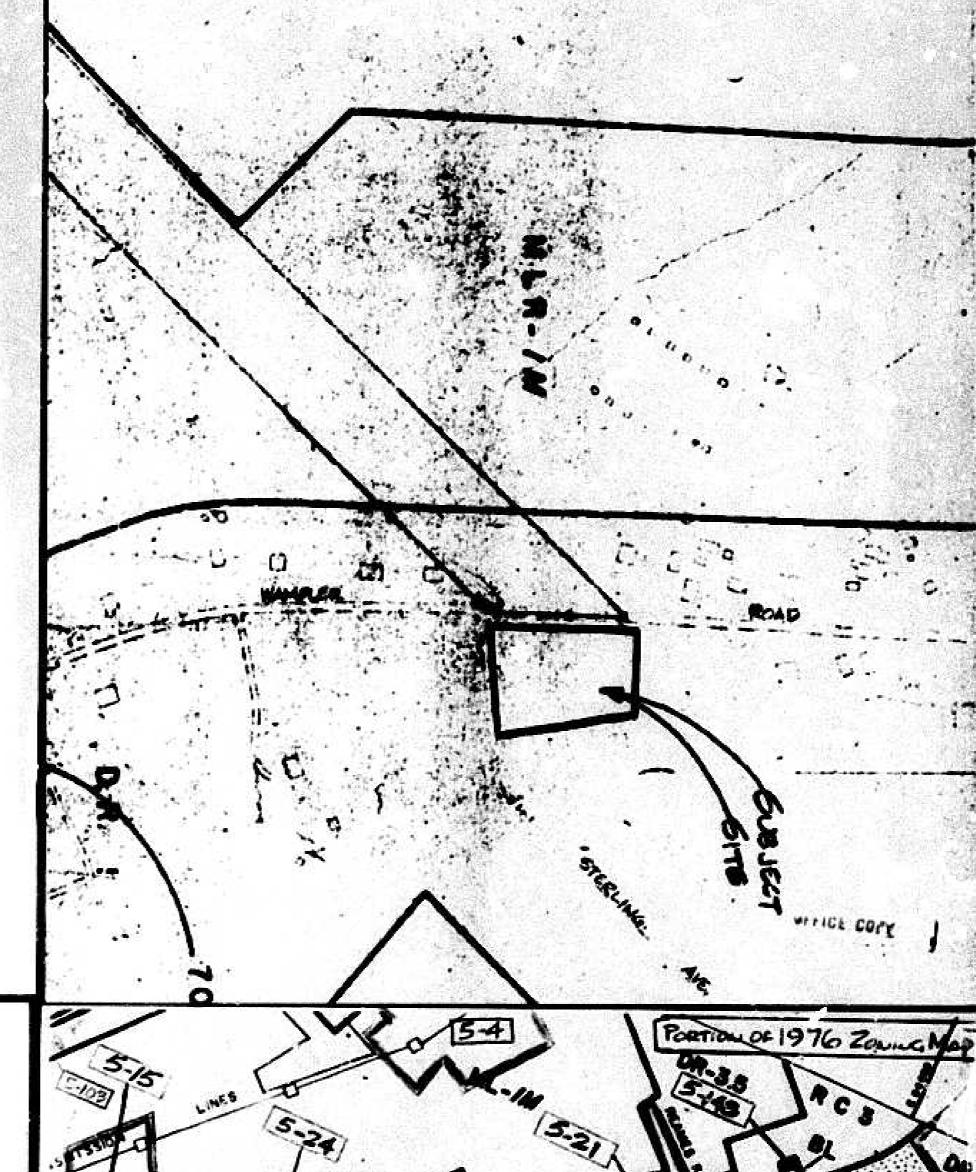
WAMPLER ROAD AND STERLING AVENUE

The most substantial change which has occurred in the neighborhood since the 1980 maps were adopted is the success of the Noise Abatement Plan which was developed in cooperation with Martin Airport users, Maryland eir Mational Guard, local industry and local government.

In 1982 the Maryland Aviation Administration, after conducting appropriate nearings, changed the classification of this property from Category C (residential use not acceptable) to A (outside of airport noise zone and not subject to sirport noise regulations). The decibel rating for the subject property shown on the 1980 zoning maps as between 65 and 70 has officially revia being 65.

Public sewer became available prior to adoption of the 1980 and 1976 maps. There are seven houses on lots one-half acre or less and with an average of approximately 100 feet of frontage within a distance of 300 feet of the referenced property. The sound level restrictions existing in 1980 were instrumental in preventing changes to higher residential densities when the 1980 maps were adopted. The referenced property contains one acre and has 267 feet of frontage.

The requested reclassification is warranted by the changes which have occurred in the neighborhood. Adequate water, sewer, schools and roads are available to serve the area.



Many Many Service of the service of

494-3180

e per any man a management

County Bourt of Appeals Room 219, Court House Towner, Maryland 21204 May 18, 1983

Arthur Hopson 901 Wampler Road Baltimore, Md. 21220

> Re: Case No. 9-83-196 Arthur Hopson, et ux

Dear Mr. Hopson:

Enclosed herewith is a capy of the Opinion and Order passed today by the County Board of Appeals in the above entitled case.

Very truly yours,

ce: J. Strong Smith John W. Hessian, III, Esq. Mr. W. E. Hammond Mr. J. E. Dyer Mr. N. E. Gerber Mr. J. G. Horwell Board of Education

> GBORGF WILLIAM STEPHENS, JR. & ASSOCIATES, INC. 503 ALLEGHRNY AVENUE, TOWSON, MARYLAND 21:04

Plat to Accompany Petition for Reclassification from an Existing DR-1 Zona to a DR-3.5 Zone 901 Wampler Road

July 27, 1982

Beginning for the same at the corner formed by the intersection of the east side of Wampler Road 40 feet wide with the north side of Sterling Avenue 15 feet wide and running thence binding on the east side of Wampler Road North 3 degrees 12 minutes East 267 feet thence leaving Wampler Read North 88 degrees 30 minutes East 148.60 feet thence running South 7 degrees 31 minutes East 255.14 feet to the north side of Sterling Avenue and thence running and binding on the north side of Scerling Avenue South 84 degrees 55 minutes West 197.29 feet to the place of beginning.

Containing 1.03 Ac.+

5-57



PETITION FOR RECLASSIFICATION

15th Election District

ZONING: Petition for Reclassification

DATE & TIME:

LOCATION:

Northeast corner of Wampler Road and Sterling venue

Wednesday, May 11, 1983 at 10:00 A.M.

PUBLIC HEARING: Room 218, Courthouse, Towson, Maryland

The County Board of Appeals for Baltimore County, by authority of the Ba'timore County Charter, will hold a public hearing:

> Present Zoning: D.R.1 Proposed Zoning: D.R. 3.5

All that parcel of land in the Fifteenth District of Baltimore County

Being the property of Arthur Hopson, et ux, as shown on plat plan filed with the Zoning Department.

Hearing Date: Wednesday, May 11, 1983 at 10:00 A. M. Public Hearing: Room 218, Courthouse, Towson, Maryland

> BY ORDER OF WILLIAM T. HACKETT, CHAIRMAN COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

WILLIAM E HAMMOND ZONING COMMISSIONER

May 2, 1983

Mr. & Mrs. Arthur Hopson 303 Allegheny Avenus Towson, Maryland 21204

Re: Petition for Reclassification
NE/corner of Wampler Rd. & Sterling Ave.
Arthur Hopson, et ux - Petitioners
Case No. R-83-196 Cycle IV - Item #9

Dear Mr. & Mts. Hopson:

This is to advise you that \$331.48 is due for advertising and posting of the above property.

Please make the check payable to Baltimore County, Maryland and remit to Arlene January, Zoning Office, Room 113, County Office Building, Towson, Maryland 21204, before the hearing.

Very truly yours,

WILLIAM E. HAMMOND

BALT'MORE COUNTY, MARYLAND OFF'CE OF FINANCE REVENUE DIVISION MISCELLANEOUS CASH RECEIPT

No. 117608

A COUNT R-01-615-000

A COUNT \$331.48

Advertising & Posting Case #R-83-196

C 615*****33146:0 8114A

VALIDATION OR SIGNATURE OF CASHIER

Ue Times

Middle River, Md., april 21 1983
This is to Certify, That the annexed

was inserted in Ogc Times, a newspaper p.inted end published in Baltimore County, once in each

weeks before the 21st day

Publishe

CERTIFICATE OF POS. SHO ZOMME DEPARTMENT OF BALTIMORE COUNT Towns. Mendand

Posted for States for hedungfaction

Posted for States for hedungfaction

Posted for Signs facing interested of many interested of many interested of many plant

Posted by Dam 2 Coloman Date of return: 1/21/43

Posted by Dam 2 Coloman Date of return: 1/21/43

F-83-196

R-83-196

CERTIFICATE OF PUBLICATION

THE JEFFERSONIAN.

Cost of Advertisement, \$

BALTIMORE COUNTY, MARYLAND
OFFICE OF PL. ICF. REVENUE DIVISION
MISCELLANEOUS CASH PECEIPT

BATL 8.24.52 ACCOUNT 01-662

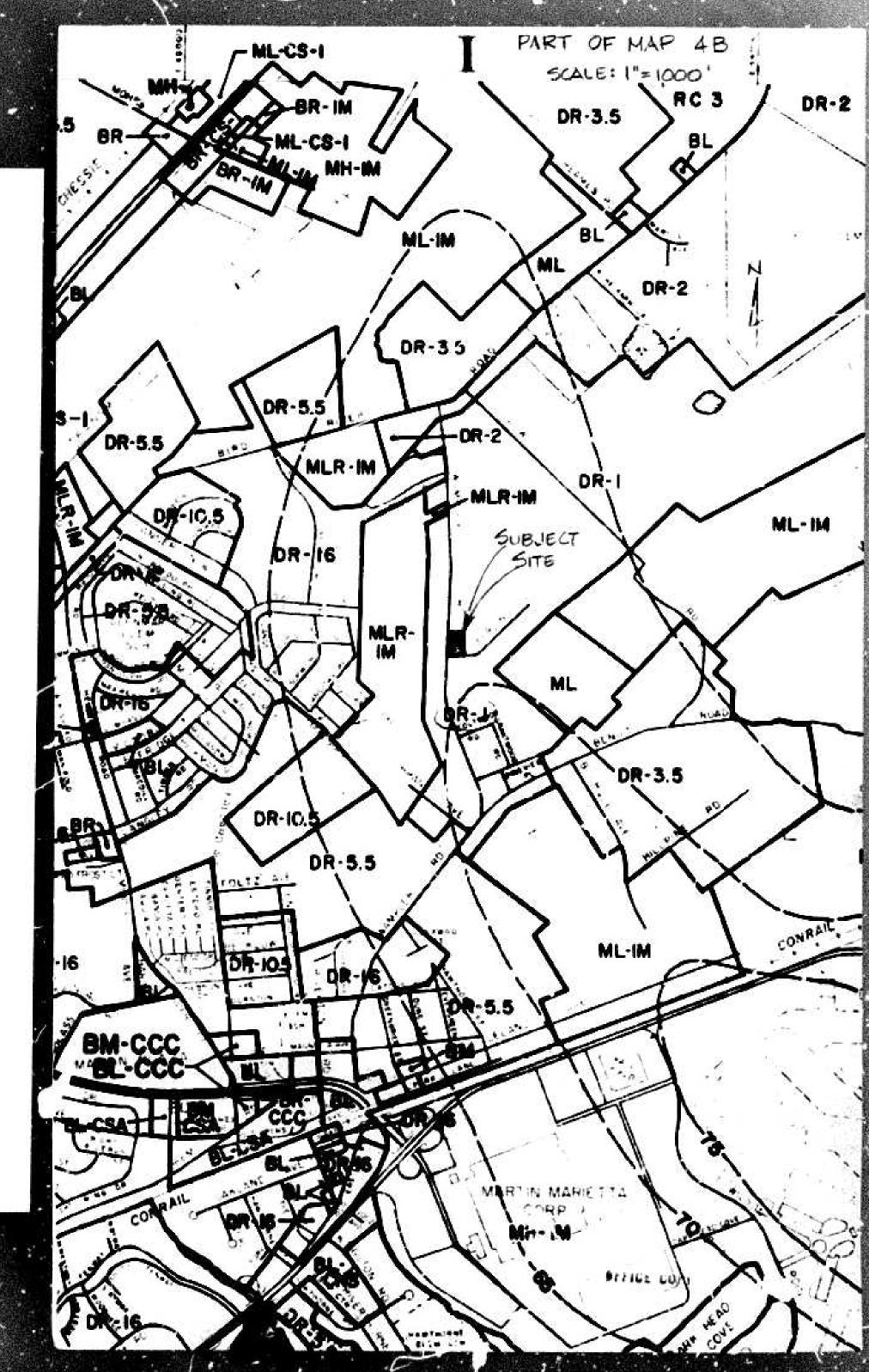
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FOR Files 1 And 1950

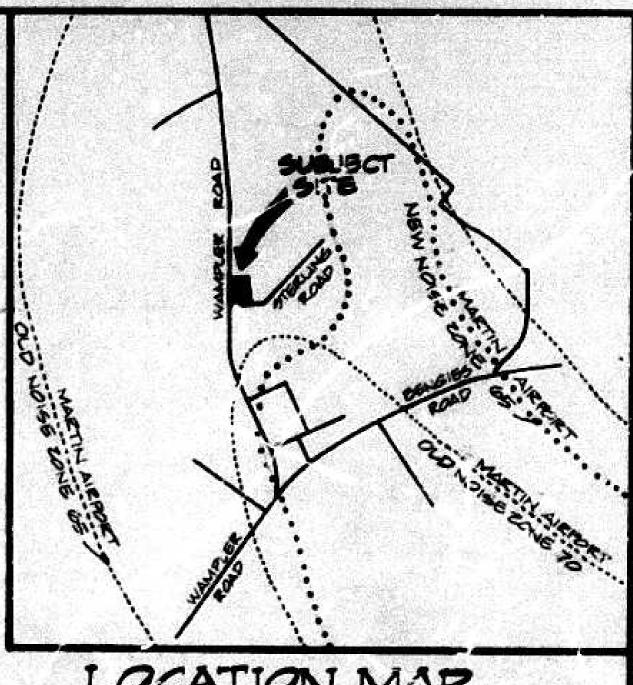
ON Files 1 And 1950

VALIDATION CA SIGNATURE OF CASHIER

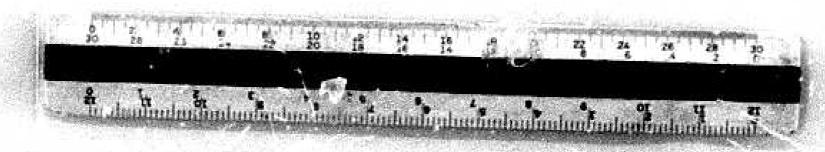




PERSTON PENCE ET.UX. 3404/221 3040/469 PRESENT USE TO RESIDENTIAL 1.03 ACS= STERLING AVENUE



LOCATION MAP



Trem +9 cycle 41

GEORGE WILLIAM STEPHENS JR. AND ASSOCIATES INC ENGINEERS

WAMP

303 ALLEGHENY AVE. TOWSON, MD. 21204



PETITIONER:

PAUL RACH 9520 PULASKI HIGHWAY BAILTIMORE, MD 2:220

OWNER:

901 WAMPLER ROAD, MIDDLE RIVER, MD 21220

BALTO CO, MD

ELECTION DISTRICT *15
JULY 27, 1982